



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100
Boston, MA 02109-3912

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

JUN 24 2014

Bill Anderson, EHS Manager
PCI Synthesis, Inc.
9 Opportunity Way
Newburyport, MA 01950

ATTN: David PCI Synthesis

Re: Request for Information Issued Pursuant to Section 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7414(a)(1), and Section 104(e)(2) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. § 9604(e)(2)

Dear Mr. Anderson:

On June 5, 2013, representatives from the United States Environmental Protection Agency (EPA) conducted an inspection of PCI Synthesis, Inc. (PCI Synthesis), located at 9 Opportunity Way, Newburyport, Massachusetts ("Newburyport facility"). The purpose of this inspection was, in part, to determine PCI Synthesis's compliance status with Section 112(r) of the amended Clean Air Act (CAA), 42 U.S.C. § 7412(r), and implementing regulations set forth at 40 C.F.R. Part 68. CAA Section 112(r) and its implementing regulations mandate a federal focus on the prevention of chemical accidents. The objective of Section 112(r) is to prevent accidental releases of substances that can cause serious harm to public health and the environment. Under these requirements, industry has the obligation to prevent chemical releases by (1) identifying hazards that might result in such releases, using appropriate hazard assessment techniques; (2) designing and maintaining a safe facility; and (3) minimizing the consequences of releases that do occur.

Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), gives EPA the authority to require a company to submit such information as EPA may reasonably require to determine its compliance with the CAA. To enable EPA to determine the compliance status of the Newburyport facility, responses to the enclosed list of questions (Attachment 2) must be furnished **within thirty (30) calendar days** of your receipt of this letter. Likewise, Section 104(e)(2), of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9604(e)(2), authorizes EPA to obtain information from companies about releases or threatened releases of hazardous substances.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, within thirty (30) days of receipt of this letter can result in an enforcement action by EPA pursuant to Section 113 of the CAA, 42 U.S.C. § 7413, and Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5). These statutes permit EPA to seek the imposition of penalties. This reporting requirement is not subject to Office of Management and Budget review under the Paperwork Reduction Act. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties.

This letter also contains several questions about PCI Synthesis's compliance with the Emergency Planning and Community-Right-to-Know Act's Toxic Release Inventory ("TRI") requirements. EPCRA does not have the same authority to request information as the CAA, and a response is not mandatory. Nonetheless EPA has questions regarding the TRI requirements of EPCRA Section 313, 42 U.S.C. § 11023, and would appreciate a response.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). You should read the above-cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public by EPA without further notice to you.

You are required to submit the above-referenced information to:

**Susan Studlien, Director
Office of Environmental Stewardship (Mail Code SAA)
U. S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100
OES 05-1
Boston, MA 02019-3912**

Attn: Chris Rascher, RCRA, EPCRA and Federal Programs Unit

As part of your response, please complete the enclosed declaration (Attachment 1) and provide a cover letter carefully specifying what documentation is included to answer each question. If you have any questions with regard to this Information Request, please contact Mr. Chris Rascher of my staff at (617) 918-1834.

Sincerely,

Susan Studlien, acting for

Susan Studlien, Director
Office of Environmental Stewardship

Enclosures
cc: Chris Rascher, EPA

ATTACHMENT 1

Instructions: Complete and Include With Your Response

DECLARATION

I declare under penalty of perjury that I am

the _____ of _____,
[Title] [Name of Facility]

that I am authorized to respond on behalf of

_____ and that the foregoing is a
[Name of Facility]

complete, true, and correct response.

Executed on _____
[Date]

[Signature]

[Type Name and Title]

ATTACHMENT 2

Guidance on How to Respond. You must submit all responsive documents. Please respond separately to each of the questions; referencing each question by number in your answer. The response must include copies of all records and information which you reference in your response or which you feel are relevant to the information being requested. "Records" and "information" and "document" means the original or an identical and readable copy thereof, and all non-identical copies (whether different from the original by reason of notation made on such copies or otherwise), of any writings or records **(including electronic records)** of any type or description, however created, produced or reproduced.

As part of your response, please complete the enclosed declaration (Attachment 1) and provide a cover letter carefully specifying what documentation is included to answer each question. (If documents requested in response to one item duplicate those requested by another question, submit only one copy of the documentation.) Your submission must be a self-explanatory, complete response that is dated and signed by an authorized facility official.

Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to these questions become known or available after answering this request, including, but not limited to, specific information that may be deemed *unknown* at the time of your response, EPA hereby requests, pursuant to Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), that you supplement your response to EPA within ten (10) days of discovering such information. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is incomplete or misrepresents the truth, notify Chris Rascher of this fact as soon as possible and provide EPA with a corrected response. For the period from January 1, 2011, to the present, provide a separate numbered response to each numbered paragraph or subparagraph below. **To the extent that you believe that you have answered a question in another section, please refer to the section and answer you have provided.**

1. Provide the following information about PCI Synthesis
 - a. Describe the ownership and business structure;
 - b. List any partners or corporate officers;
 - c. List any parent and subsidiary corporations or divisions; and
 - d. Provide the number of employees at the Newburyport facility.
2. From January 1, 2011 to the present, has the Newburyport facility had on-site any of the substances listed under 40 CFR § 68.130 or 302.4? If yes, list the substances. For any substances at the Facility listed under 40 C.F.R. § 68.130 or 40 C.F.R. § 302.4 provide the maximum and typical amounts of each substance stored at the facility in each calendar year from January 1, 2011 to the present and provide any available documentation that supports your response. Please be sure to include the chemicals ethyl chloride (CAS # 75-00-3), acrylonitrile (CAS # 107-13-1), hydrochloric acid 37% (CAS # 7647-01-0), and any other hydrochloric acid that is equal to or greater than 37% (CAS

3. For each substance listed in response to Question 2, provide the peak storage amount for each substance at the Newburyport facility in the time frame of calendar years 2011 - present as (a) aggregated over the entire facility and as (b) contained in each "process" as that term is defined in 40 C.F.R. § 68.3.
4. For each substance and peak storage amount listed in response to Questions 2 and 3, provide an explanation of how you determined the peak storage quantities, and provide copies of documentation (e.g., inventory records, invoices, etc.) that support your response. Provide the peak storage amount for each substance listed in Question 2 at the Newburyport facility in the time frame of calendar years 2009 - present
 - (a) for each month,
 - (b) as aggregated over the entire facility, and
 - (c) as contained in each "process" as that term is defined in 40 C.F.R. § 68.3.
5. For the substances listed in response to Question 2 describe the types and sizes of containers used to store each individual substance, including the number of each type of container.
6. Identify and describe any (and all) releases or spills of chemicals listed in 40 C.F.R. § 302.4 that have occurred at the Newburyport facility since January 1, 2011. Indicate which chemical(s) was released and describe any actions taken in response to the spill or release at this facility.
7. Provide the name, title and telephone number for employees at the Newburyport facility who have hazardous material management and/or emergency response responsibilities. Indicate the number of hours staff are at the facility on a weekly basis, including holidays and weekends.
8. Provide a copy of the initial and all subsequent process hazard analyses (PHAs) or assessments for each covered process, documentation of team members who participated in the PHAs (including their resumes identifying their area of expertise), and records that document the response to the team's findings and recommendations. Include any insurance hazard analysis that have been performed at the facility.
9. Provide a copy (if one exists) of the Newburyport facility's Emergency Response Program, including:
 - a. Procedures for informing the public, fire department, and the local emergency response committee of any chemical releases;
 - b. Procedures for the review and update of the Emergency Response Program to reflect changes at the stationary source and to ensure that the employees are informed of and trained about the changes;

- c. Information about who has the decision making authority for assessing and responding to spills or releases; and
- d. Information about whether or not the facility has an Integrated Contingency Plan (ICP) "One Plan."

Please answer the following questions regarding the Emergency Planning and Community-Right-to-Know Act's Toxic Release Inventory ("TRI"):

1. Provide a description of any air collection and treatment system used at the facility. Include the air streams collected and their sources, and TRI chemicals that are collected and treated.
2. Provide the removal efficiency for each TRI chemical in any air treatment system. State whether the removal efficiency was determined through estimation or through measurement. State the method used to estimate or measure the removal efficiency and the date any measurements were performed.
3. For each TRI chemical reported, include the methods used to determine the amount released through stack emissions and the amount released through fugitive emissions. Include any calculations.